

DOCKET NO: 246664US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
NOBUTAKA TAKEUCHI ET AL. : EXAMINER: CHEN, S. S.
SERIAL NO: 10/734,292 :
FILED: DECEMBER 15, 2003 : GROUP ART UNIT: 2852
FOR: DEVELOPING DEVICE AND :
PROCESS CARTRIDGE FOR AN
IMAGE FORMING APPARATUS

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement mailed July 7, 2005, Applicants provisionally elect, with traverse, Species III, Figures 19-24 for examination on the merits in the present application. Claims 27-45 are identified as readable on Species III.

Applicants respectfully traverse the Election of Species Requirement because the PTO has not carried forward its burden of proof to establish that searching and examining the claims corresponding to the noted figures would be an undue burden.

In particular, MPEP § 803 states:

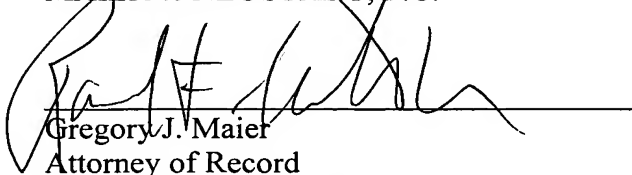
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, Applicants respectfully traverse the outstanding Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

Gregory J. Maier
Attorney of Record
Registration No. 25,599
Raymond F. Cardillo, Jr.
Registration No. 40,440

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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